

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

JOHN TORRE,

Civil No. 06-15 (RHK/SRN)

Petitioner,

ORDER

v.

Warden ANDERSON,
FMC Rochester Warden,

Respondent.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated February 2, 2006. Timely objections have been filed to that Report and Recommendation and the objected to portions of the Report and Recommendation are now before the Court for de novo review.

That review satisfies the undersigned that Judge Nelson's thorough and well-reasoned discussion of the facts before her and the applicable law to be applied should be adopted by this Court.

Accordingly, and upon all of the files, records and proceedings herein, **IT IS**

ORDERED:

1. The Objections (Doc. No. 6) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 5) is **ADOPTED**;

3. Petitioner's application for leave to proceed in forma pauperis, (Doc. No. 3), is **DENIED**; and

4. Petitioner's application for habeas corpus relief under 28 U.S.C. § 2241, (Doc. No. 1), is **DISMISSED** for lack of jurisdiction.

Dated: March 2, 2006

s/Richard H. Kyle
RICHARD H. Kyle
United States District Judge